

REMARKS

Drawings

The Examiner requested in his October 29, 2003 Office action that formal drawings be submitted. However, formal drawings were submitted with Applicants' previous communication with the Patent Office dated August 26, 2003. The Examiner is encouraged to call the undersigned if these drawings have been misplaced.

Double Patenting Rejection

Claims 51-60 and 69-83 were rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting over Claims 1-22 of US Patent 6,490,584.

Note, however, that:

- 1) Issued patent 6,490,584 is based on US App. Ser. No. 08/979,064 ('064); and
- 2) The pending application currently under examination (US App. Ser. No. 09/864,537) is a divisional application of the originally filed '064 patent application, and properly claims priority to this '064 application as indicated on the filing receipt.

Thus, the pending application and the issued patent claim priority to the same patent application, which was filed November 26, 1997. Accordingly, the term of any patent issuing from the pending application would be expected to end 20 years from November 26, 1997. In this situation, therefore, filing a terminal disclaimer is not appropriate.

The situation would, of course, be different if the pending application did not claim priority to the '064 application. In that case, a terminal disclaimer would be an appropriate way to overcome a double patenting rejection.

Claim rejections under 35 USC §102

Applicants note for the record that the pending application is a divisional application that was filed on May 23, 2001, and so the changes made to 35 USC 102(e) by the American Inventors Protection Act of 1999 (AIPA) do in fact apply to the examination of this application.

Claims 51 and 79-83 (and presumably Claim 69) were rejected by the Examiner under 35 USC 102(e) as being anticipated by US Patent 5,893,091 to Hunt et al. Applicants respectfully disagree that Hunt teaches or renders obvious the subject matter claimed in the pending application.

Hunt is concerned with server-push multicasting in which:

[w]hen an alert satisfies a *Boolean equation in a users keyword profile* the headline of the alert (stored as an argument) is displayed and the user is given the option to link his/her web browser to an associated URL (also stored as an argument). (see Abstract; emphasis added)

As explained in column 4, lines 60-63 of Hunt:

When an alert is received that meets a *predefined set of notification criteria* (satisfies a Boolean equation) the client software will execute a program associated with the alert. In the preferred embodiment, when an

alert is received that satisfies the notification criteria, a message box containing the alert headline is displayed to the user. Clicking on the message box causes the user's browser to link to a URL associated with the alert... (emphasis added)

As further explained in column 5, lines 27-37 of Hunt:

The notification criteria are based upon a combination of keywords or keywords and arguments arranged as a boolean function. It is the keywords which determine whether or not a incoming record will be evaluated to see if it meets the notification criteria. The keywords used to define the notification criteria are the same as those assigned to an information record by the server and are also taken from the keyword dictionary. The notification criteria are stored in the keyword profile database on the client's computer. If the notification criteria are satisfied, then the user is provided with an alert.

This is quite different from Applicants' invention, and indeed is in some sense the opposite of it. Hunt is concerned with a *predefined set of notification criteria* that satisfies a Boolean equation (see above). Applicants, on the other hand, have disclosed systems and methods in which an accumulation of events leads to the formation of a network of facts, and in which information is reported to users, or inferences are made about users, *in view of user activity*. Preferred implementations of the Applicants' invention are related to understanding user behavior, and are not just about collecting facts divorced from user behavior. A user is notified when *interrelated facts* add up. Among other things, the *dynamic* aspects of the Applicants' invention are not taught in Hunt.

Claims 51 and 69 are both directed to “gathering facts concerning user *activity*” (emphasis added). This is quite different from the task of simply executing a program associated with an alert that meets a *predetermined* set of notification criteria that satisfies a Boolean equation, as taught in column 4, lines 44-66 of Hunt.

Claims 51 and 69 are both directed to “forming the gathered facts into fact nets”. Applicants do not find a teaching in Hunt regarding “fact nets”, which Applicants have defined on page 8, lines 22-25 of the present application:

Each fact net defines one or more evolving probable interests, based initially upon one or more primitive facts obtained by monitoring specific *user interactions* within the information processing system. (emphasis added)

The discussion in column 6, lines 47-58 of Hunt regarding a list of information related to an airplane flight is not a fact net as Applicants have used that term.

Claims 51 and 69 are both directed to “identifying fact nets defining evolving probable user interests”. Applicants do not find any teaching in Hunt directed to this teaching, and in particular, col. 4, lines 14-30 of Hunt is simply a summary of various shortcomings of the prior art, as perceived by Hunt et al.

Accordingly, Applicants believe that Claims 51 and 69 should be allowed. In addition, Applicants believe that the subject matter of dependent Claims 52-60 and 70-78, in combination with the features of independents Claims 51 and 69, respectively, is also patentable.

Claim 79 is directed to “a dynamic user model for storing created facts, the stored facts being accessible by the agents”. Quoting from p. 20, lines 8-11 of the present application:

The user model is referred to as “dynamic” because *new fact nets are constantly being created by new user activity*, and existing fact nets are constantly *evolving* in the direction of *recognizable probable user interests* of a reasonable degree of confidence. (emphasis added)

As discussed above in connection with Claims 51 and 69, there is no teaching in Hunt that addresses these features of Applicants’ invention. In particular, col. 6, lines 34-65 and col. 11, lines 18-23 are directed to notification aspects of Hunt’s method, which is essentially based on a user model that is *static*. This should not be confused with the *dynamic* user model of Applicants’ invention, however.

Accordingly, Applicants believe that Claim 79 should be allowed. In addition, Applicants believe that the subject matter of dependent Claims 80-83, in combination with the features of independent Claim 79 from which they depend, is also patentable.

Claim rejections under 35 USC §103

The Examiner rejected several dependent claims as being unpatentable over Hunt in view of US Patent 5,890,129 to Spurgeon (“Spurgeon”). For example, with respect to Claims 52 and 53, the Examiner asserted that “Hunt et al. disclose substantially the invention as claimed, except for deriving new facts from the facts within the fact nets, and incorporating the new facts into the fact nets.”

For the reasons cited above, Applicants believe that all the claims should be allowed. Nevertheless, it should be noted that Applicants do not find any teaching in Spurgeon related to “fact nets”, “evolving probable user interests”, and “dynamic user models”, as those terms are defined by Applicants. Accordingly, combining Hunt and Spurgeon in the way suggested by the Examiner does not support the asserted rejections.

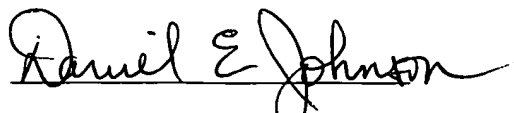
Summary

Applicants believe that all pending claims are in condition for allowance and request that they be passed to issue. Further, Applicants request that the Examiner rejoin Claims 61-68 (the non-elected claims), amend Claims 62-68 as necessary to correct their dependencies, and pass these to issue as well.

The Examiner is invited to call the undersigned if a telephone conference will expedite the prosecution of this application.

Respectfully submitted,

R.C. Barrett et al.

A handwritten signature in black ink that reads "Daniel E. Johnson". The signature is written in a cursive style with a horizontal line underneath the name.

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